

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

<b>Applicant:</b> PETERSON ET AL. (formerly KLAERS et al)	<b>Examiner:</b> DELCOTTO, GREGORY R
<b>Serial No.:</b> 10/643,018	<b>Group Art Unit:</b> 1751
<b>Filed:</b> August 18, 2003	<b>Docket No.</b> ECOLAB008US3
<b>For:</b> SOLID POT AND PAN DETERGENT	(1236USC1)

Commissioner for Patents  
Box 1450  
Alexandria, VA 22313-1450

**CERTIFICATE OF TRANSMISSION [37 CFR § 1.8(a)]**

I hereby certify that this correspondence is being transmitted to P.O.  
United States Patent and Trademark Office on the date shown below  
via the Office electronic filing system.

November 4, 2007 /Kim Jordahl/

**REQUEST TO CORRECT INVENTORSHIP UNDER 37 CFR § 1.48(c)**

Dear Sir:

This is a request under the provisions of 37 CFR § 1.48(c) to correct the inventorship of the above-identified application. More particularly, the application having now been amended to include claims to previously unclaimed subject matter, Applicants wish to amend the inventorship of the application to include Kim R. Smith, so that the inventorship entity will comprise Karen G. Peterson, Helen B. Bailly and Kim R. Smith. Along with this Petition, a statement of the added inventor, Kim R. Smith (37 CFR § 1.48 (c)(2)), a combined declaration and power executed by all inventors (37 CFR § 1.48(c)(3)) and consent of the assignee (37 CFR § 1.48(c)(5)) are submitted herewith, along with a newly executed assignment reflecting the new inventive entity. The fee required to enter this Request, provided by 37 CFR § 1.17(i), is being paid at the time of this transmission from Deposit Account 50-4377. Please charge any additional fees, or credit overpayment to, Deposit Account No. 50-4377 as well.

Respectfully Submitted,

Karen G. Peterson (formerly Klaers) et al,

By their Representatives,

INTELLECTUAL PROPERTY  
LAW COLLABORATIVE  
**USPTO CUSTOMER NO. 74263**  
PO Box 59  
Marine on St. Croix, MN 55049  
(651) 433-5529

Date: November 4, 2007

By: /Kimberly S. Jordahl/  
Reg. No. 40,998

PATENT

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/Kimberly S. Jordahl/  
Kimberly S. Jordahl

**STATEMENT OF ADDED INVENTOR IN SUPPORT OF REQUEST  
UNDER 37 C.F.R. § 1.48(c) TO CORRECT INVENTORSHIP**

Dear Sir:

I, Kim R. Smith, an inventor being added to the above-identified application, do hereby declare that the addition is necessitated by amendment of the claims in the above-identified application, and that this error occurred without any deceptive intention on my part.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

08/30/2007  
Date

  
Kim R. Smith

## PATENT

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/Kimberly S. Jordahl/  
Kimberly S. Jordahl

**CONSENT OF ASSIGNEE TO CORRECTION OF INVENTORSHIP IN  
ACCORDANCE WITH 37 CFR §1.48(c)(5)**

The undersigned, a representative of Ecolab Inc., represents that Ecolab Inc. is the owner of all of Applicants' entire right, title and interest of Application Serial Number 10/643,018 filed on August 18, 2003, for Solid Pot and Pan Detergent, by virtue of an assignment from such Applicants Karen G. Klaers and Helen B. Bailly, executed on March 26, 1999, and recorded at reel/frame 0096864/0281.

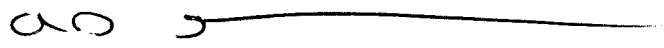
The undersigned hereby certifies that the above mentioned assignment has been reviewed and to the best of the undersigned's knowledge and belief, title is in Ecolab Inc., who is seeking to take this action.

By virtue of my position in the assignee, this undersigned represents that authority exists to sign this written consent on behalf of the assignee.

Ecolab Inc. hereby consents to the correction of inventorship in connection with the above-identified application whereby the name of Kim R. Smith, is added as joint inventor.

Respectfully Submitted By:

10 / 24 / 2007  
Date

  
Andrew D. Sorensen  
Chief Patent Counsel  
Ecolab Inc.  
Telephone: 651-795-5810

**COMBINED DECLARATION AND POWER OF ATTORNEY**  
**IN ORIGINAL APPLICATION**

As below-named inventors, we hereby declare that:

Our residences, post office addresses and citizenships are as stated below next to our names.

We believe we are the original, first and joint inventors of the subject matter which is claimed and for which a patent is sought on the invention entitled SOLID POT AND PAN DETERGENT, the specification of which is identified in the United States Patent Office by Serial No. 10/643,018, filed August 18, 2003.

We hereby state that we have reviewed and understand the contents of the above-identified application, including the claims. We acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, §1.56.

We hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s)

<u>Number</u>	<u>Country</u>	<u>Day/Month/Year Filed</u>	<u>Priority Claimed</u>
<u>None</u>	<u>                    </u>	<u>                                    </u>	Yes <u>      </u> No <u>      </u>
<u>                    </u>	<u>                    </u>	<u>                                    </u>	Yes <u>      </u> No <u>      </u>

We hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, we acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56 which occurred between the filing date of the prior application and the national or PCT international filing date of this application.

<u>Appln. Ser. No.</u>	<u>Filing Date</u>	<u>Status: patented, pending, abandoned</u>
<u>10/068,144</u>	<u>02/06/2002</u>	<u>Patented – serial no. 6,608,023 on 8/19/2003</u>
<u>09/282,001</u>	<u>03/29/1999</u>	<u>Patented – serial no. 6,387,870 on 5/14/2002</u>

We hereby appoint all attorneys and/or agents associated with **Customer Number 74263** to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith.

Please address all correspondence to: **Customer Number 74263**

We hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of first joint inventor: Karen G. Peterson

Inventor's signature: Karen G. Peterson 9/13/07  
Date

Residence: 14065 Belmont Trail, Rosemount, MN 55068

P.O. Address: same

Citizenship: United States of America

Full name of second joint inventor: Helen B. Bailly

Inventor's signature: Helen B. Bailly 10/23/07  
Date

Residence: 4371 Kaufmanis Way, Eagan, Minnesota 55123

P.O. Address: same

Citizenship: United States of America

Full name of third joint inventor: Kim R. Smith

Inventor's signature: Kim R. Smith 08/30/2007  
Date

Residence: 8774 Rainier Alcove, Woodbury, MN 55125

P.O. Address: same

Citizenship: United States of America

**§1.56 Duty to disclose information material to patentability.**

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is cancelled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is cancelled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

- (1) prior art cited in search reports of a foreign patent office in a counterpart application, and
- (2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.

(b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

- (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or
- (2) It refutes, or is inconsistent with, a position the applicant takes in:
  - (i) Opposing an argument of unpatentability relied on by the Office, or
  - (ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

(c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:

- (1) Each inventor named in the application;
- (2) Each attorney or agent who prepares or prosecutes the application; and
- (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.

(d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.

(e) In any continuation-in-part application, the duty under this section includes the duty to disclose to the Office all information known to the person to be material to patentability, as defined in paragraph (b) of this section, which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

**ASSIGNMENT**

WHEREAS, we, Karen G. Peterson, of 14065 Belmont Trail, Rosemount, MN 55068; Helen B. Bailly, of 4371 Kaufmanis Way, Eagan, Minnesota 55123; and Kim R. Smith, of 8774 Rainier Alcove, Woodbury, MN 55125; have invented certain new and useful improvements in Solid Pot and Pan Detergent, the specification of which is identified in the United States Patent Office by Serial No. 10/643,018, filed August 18, 2003.

WHEREAS, Ecolab Inc., a corporation of the State of Minnesota, and having an address of Ecolab Center, Saint Paul, Minnesota 55102 is desirous of acquiring the entire right, title and interest in and to said invention, said application and in, to and under any and all Letters Patent to be obtained therefor;

NOW, THEREFORE, for good and valuable consideration, the receipt of which is hereby acknowledged, we have sold, assigned and transferred, and by these presents do hereby sell, assign and transfer unto Ecolab Inc. its successors and assigns, the entire right, title and interest in and to said invention, said application and the Letters Patent, both foreign and domestic, that may or shall issue, including all rights under the International Convention, and we do hereby authorize and request the Commissioner for Patents to issue said Letters Patent to the above-mentioned assignee in accordance herewith.

We further authorize said assignee, its successors and assigns, or anyone it may properly designate, to apply for Letters Patent, in its own name, if desired, in any and all foreign countries, and additionally to claim the filing date of said United States application and/or otherwise take advantage of the provisions of the International Convention.

We do hereby covenant and agree with the said assignee, its successors and assigns, that we will not execute any writing or do any act whatsoever conflicting with these presents, and that we or our executors or administrators will, at any time upon request, without further or additional consideration, but at the expense of said assignee, its successors and assigns, execute such additional writings and do such additional acts as said assignee, its successors and assigns, may deem necessary or desirable to perfect the assignee's enjoyment of this grant, and render all necessary assistance in making application for and obtaining original, divisional, reissued or extended Letters Patent of the United States, or of any and all foreign countries on said invention, and in enforcing any rights, occurring as a result of such applications or patents, by giving testimony in any proceedings or transactions involving such applications or patents.

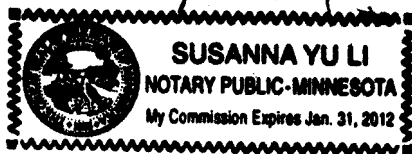
In Witness Whereof, we have hereunto set our hands and affixed our seal on the date(s)  
written below.

Karen G. Peterson 9/13/07  
Karen G. Peterson Date

STATE OF Minnesota )  
COUNTY OF Dakota ) SS.

On this 13<sup>th</sup> day of September, 2007, before me personally appeared Karen G. Peterson, to me known to be the person described in and who executed the foregoing instrument and acknowledged that he executed the same as her free act and deed.

[Signature]  
Notary Public



Helen B. Bailly 10/23/07  
Helen B. Bailly Date

STATE OF Minnesota )  
COUNTY OF Dakota ) SS.

On this 23<sup>rd</sup> day of October, 2007, before me personally appeared Helen B. Bailly, to me known to be the person described in and who executed the foregoing instrument and acknowledged that he executed the same as her free act and deed.

[Signature]  
Notary Public





Kim R. Smith 08/30/2007  
Kim R. Smith Date

STATE OF Minnesota )  
COUNTY OF Dakota ) SS.

On this 30th day of August, 2007, before me personally appeared Kim R. Smith, to me known to be the person described in and who executed the foregoing instrument and acknowledged that he executed the same as her free act and deed.

Notary Public [Signature]

